North Dakota Storm Water Permitting

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North Dakota Department of Health
Division of Water Quality

April 4, 2011

NORTH DAKOTA
DEPARTMENT of HEALTH

1

Construction General Permit
(NDR10-0000)

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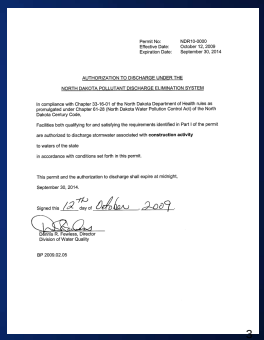
Construction Permit

- Permit #: NDR10-0000
- Reissued October 12, 2009
- Expires September 30, 2014



Permit No: NDR10-0000
Effective Date: October 12, 2009
Expiration Date: September 30, 2014

AUTHORIZATION TO DISCHARGE UNDER THE
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33-16-01 of the North Dakota Department of Health rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

Facilities both qualifying for and satisfying the requirements identified in Part I of the permit are authorized to discharge stormwater associated with **construction activity** to waters of the state in accordance with conditions set forth in this permit.

This permit and the authorization to discharge shall expire at midnight, September 30, 2014.

Signed this 12th day of October 2009

Dennis R. Wiedera, Director
Division of Water Quality

BP 2009.02.05

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Discharges Covered
Construction Permit: *Page 3; Part I.A*

Stormwater Discharges From:

Large Construction Activity
- Sites that are 5 acres or more in size
- Sites that are less then 5 acres if they are part of a larger common plan of development

Small Construction Activity (excluding oil and gas exploration)
- Sites that are 1 acre or more and less then 5 acres
- Sites that are less then 1 acre if they are part of a larger common plan of development

Support Activities
- Concrete or asphalt batch plants
- Equipment staging yards
- Material storage areas
- Excavated material disposal areas
- Borrow areas

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Discharges Not Covered
Construction Permit: *Page 3; Part I.B*

- Industrial stormwater other than construction activity
- Post-construction discharges
- Industrial (or sanitary) wastewater
- Dredge or fill activity
  - (U.S. Army Corps of Engineers Section 404 permits)
- Discharges to waters with a total maximum daily load (TMDL) allocation for sediment, suspended soilds or turbidity are not covered unless the SWPP plan is consistent with the assumptions, allocations and requirements in the approved TMDL.
- Stormwater discharges the NDDoH determines will cause or potentially cause a violation of a water quality standard.

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Definitions
Construction Permit: *Page 18; Part V*

Construction Activity
- Loosely defined as any project that disturbs one or more acres including projects that disturb less than one acre but are part of a larger common plan of development that disturbed one or more acres.
- Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

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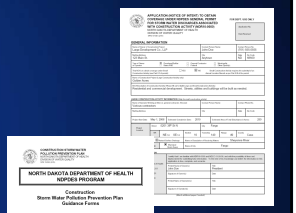
Obtaining Coverage

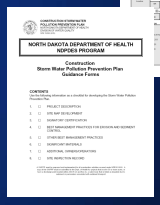
Construction Permit: *Page 4; Part I.C*

Must submit an Application and develop a SWPP Plan in accordance with the permit.

Unless otherwise notified, permit coverage becomes effective 7 days after you submit a completed application to the Department (based on the department receipt date).

Upon the effective date of coverage you are authorized to discharge stormwater from eligible activities under the terms and conditions of the permit.





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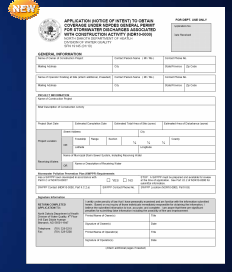
Application Process

Construction Permit: *Page 4; Part I.D*

- The owner, or owner jointly with the operator, shall submit a completed application.
- The owner is responsible with all terms and conditions of the permit.
- The operator has day to day supervision of construction activities and is jointly responsible for compliance as they pertain to the activities delegated to the operator.



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Definitions

Construction Permit: *Page 19; Part V*

Owner: Person or party possessing the title of the land, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity

Operator: Person (usually the general contractor) designated by the owner who has day to day operational control and/or the ability to modify plans and spec. related to the SWPPP

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NOTE:

All owners and operators are responsible for implementing the permit.

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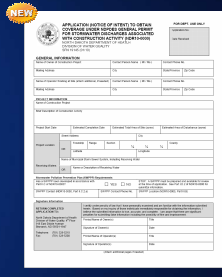
Application Process

- A SWPP plan must be prepared and available for review at the time of application.
- A partially plan is acceptable when it identifies the missing items and deadlines for completing the items.
- The SWPP plan must be completed prior to the start of construction (or the applicable construction phase).
- A copy of the SWPPP must be submitted to the Dept. if:
  - The project involves 50 or more acres
  - The project is located within 2000 ft of and flows to a water body listed as impaired for sediment (303(d) List)



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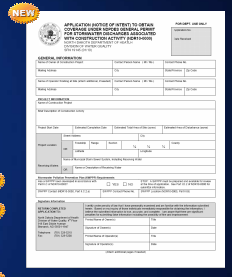
Application Contents

Construction Permit: *Page 4; Part I.D.2*

Application information:

- Owner name, contact person, mailing address, phone number
- Project/site name
- Project/site location (street address; section, township, range; or lat. and long.), and county
- Brief description of the project
- Anticipated start and completion dates (if known)
- Estimated total area of the project and area of disturbance
- Name of receiving water(s), or municipal storm sewer system and receiving water(s)
- Operator (contractor) name, contact person, mailing address and phone number (optional, if known)
- Has a SWPPP been developed, SWPPP contact, SWPPP location
- Signature of the applicant(s), i.e. owner and operator (if known)



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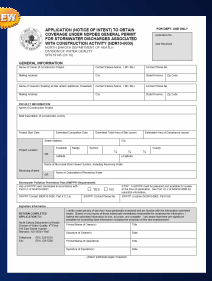
Application Process

Construction Permit: *Page 5; Part I.D*

NEW

- Residential Construction (within a larger common plan)
  - The owner of the lot(s) submits one application for all their construction activity within the common plan; or
  - The operator who may represent one or more lot owners submits one application for all their construction activity within the common plan



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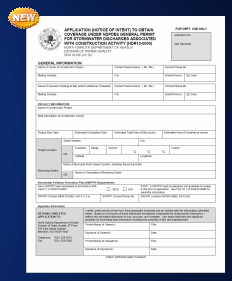
Application Process

Construction Permit: *Page 5; Part I.D*

NEW

- Residential Construction (within a larger common plan)
  - Also, a SWPPP must be developed and implemented for the permittee's activities within the common plan of development
  - Additional phases may be included under the initial application and permit coverage provided the SWPPP is amended to include the additional area or phases



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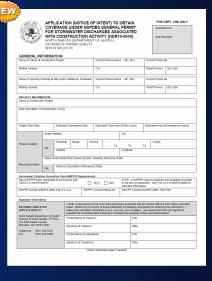
Application Process

Construction Permit: *Page 5; Part I.D*

NEW

- Oil & Gas Construction
  - Coverage is not required for "small construction"
  - For "large construction" an application may be submitted for an individual project site or for an area of operations (i.e., well field area).



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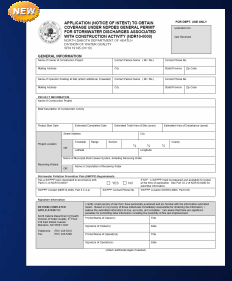
Application Process

Construction Permit: *Page 5; Part I.D*

NEW

- Oil & Gas Construction
  - To obtain coverage for an area of operations, the application must include:
    - A map outlining the area or list of counties encompassing the area
    - A copy of the SWPPP (or similar BMP document) developed for the related activity within the coverage area
  - Information for individual sites and future sites within the coverage area does not need to be submitted



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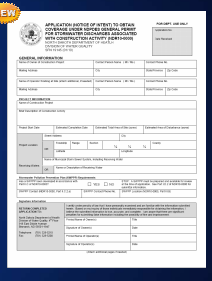
Application Process

Construction Permit: *Page 5; Part I.D*

NEW

- Local Authority
  - The permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control stormwater discharges to storm sewer systems or other water courses within their jurisdiction



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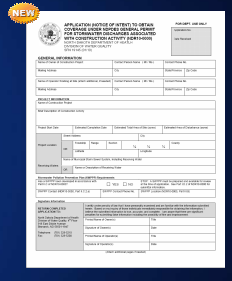
Application Process

Construction Permit: *Page 6; Part I.G*

NEW

- Municipal Separate Storm Sewer System (MS4) Permittees
  - An application is not required for "small construction activity" owned or operated by the entity with coverage under the MS4 permit
  - The activity is still subject to all conditions of the construction permit except the application process (i.e., SWPPP, site inspections)



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Stormwater Discharge Requirements

Construction Permit: *Page 7; Part II.A*

- Prohibition of Non-Stormwater Discharges
  - The discharge of wastewater from processing operations or sanitary facilities (i.e., privies) is not authorized by the permit
  - The following non-stormwater discharges are allowed if they are identified in the SWPPP with a description of the pollution prevention measures:
    - Fire-fighting
    - Fire hydrant flushing
    - Potable water line flushing
    - Infrequent building and equipment wash down without detergent
    - Uncontaminated foundation drains
    - Springs
    - Lawn water
    - Air conditioning condensate

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Stormwater Discharge Requirements

Construction Permit: *Page 7; Part II.B*

- Releases in Excess of Reportable Quantities
  - The permit does not relieve the permittee from the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302
  - Releases of hazardous substances, even in a stormwater discharge, must be reported in accordance with Part IV.A.7 of the permit
  - The discharge of hazardous substances shall be minimized according to the SWPPP
  - If a reportable release occurs, the SWPPP shall be revised to prevent the recurrence of the release

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Storm Water Pollution Prevention Plan

Construction Permit: *Page 7; Part II.C*

- **All** construction projects must develop and implement a SWPPP.
- The SWPPP and revisions are subject to review by the NDDoH.
- The objective of the SWPPP is to identify potential sources of sediment or other pollution from construction activity and ensure practices are used to reduce pollution from construction site runoff.
- NEW Stormwater management documents developed under other regulatory programs (e.g., SPCC plan) can be included in the SWPPP or incorporated by reference, or used in whole as a SWPPP if it meets the requirements of Part II.C of the permit.

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- You do not have to use the forms provided by the NDDoH.
- Some project plans will have the SWPPP in the Erosion and Sediment Control Sheets.
- A different SWPPP must be developed for every construction project (except as allowed for residential and oil & gas permittees).
- Information that usually stays the same:
  - Spill Prevention and Response
  - Procedures for Site Inspections and Maintenance
  - Methods to Reduce Sediment Tracking
  - Methods for Recovering Tracked Sediment
  - Methods for Recovering Sediment
  - Significant Materials

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Storm Water Pollution Prevention Plan

Construction Permit: *Page 7; Part II.C*

NEW

- The SWPPP may identify more than one permittee and may specify the responsibility of each permittee by task, area and/or timing.
- Permittees may coordinate and prepare more than one SWPPP to accomplish this.
- In the event there is a requirement where responsibility is ambiguous or not included in the SWPPP, each permittee is responsible for implementation of that requirement.
- Also, each permittee is responsible for assuring their activities do not render another permittee's controls ineffective.

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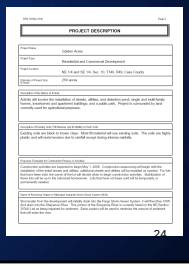
SWPP Plan – Site Description

Construction Permit: *Page 7; Part II.C.1*

- Must include a site description
  - Description of the overall project and type of activity
  - Estimate of the total area of the site and the total area expected to be disturbed
  - Proposed timetable of activities
  - Description of the type of soil within the disturbed area
  - Name of the surface water(s) or municipal storm sewer systems at or near the disturbed area
  - Site map
  - NEW For sites that discharge to an impaired water body for sediment, suspended solids or turbidity, you must identify the water body and the impairment


PROJECT DESCRIPTION

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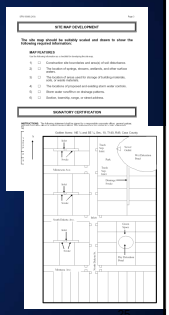
SWPP Plan – Site Map

Construction Permit: *Page 8; Part II.C.1*

Site Map must indicate:

- Drainage patterns including flow direction, dividing lines, and the existing and final grades
- Construction site boundaries and areas of soil disturbance
- Location of major structural and nonstructural controls identified in the plan
- Location of areas where stabilization practices are expected to occur
- Surface waters, including an aerial extent of wetland acreage
- Locations where storm water is discharged to surface water (e.g., ditches, storm sewer inlets)
- Where included as part of the project, the site maps for offsite concrete/asphalt batch plants, equipment staging areas, borrow sites or excavated fill material disposal sites



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SWPP Plan – Operational Controls

Construction Permit: *Page 8; Part II.C.2*

NEW

- The plan must identify a person knowledgeable and experienced in the application of erosion and sediment control BMPs who will oversee:
  - The implementation of the SWPPP
  - The installation, inspection and maintenance of the BMPs before and during construction

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SWPP Plan – Operational Controls

Construction Permit: *Page 8; Part II.C.2*

NEW

- The owner shall develop a chain of responsibility with all operators to ensure the SWPPP is implemented and stays in effect until:
  - The project is complete,
  - The entire site has undergone final stabilization, and
  - A notice of termination (NOT) has been submitted to the NDDoH

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SWPP Plan – Operational Controls

Construction Permit: *Page 8; Part II.C.2*

- Good Housekeeping
  - Must maintain a clean and orderly site
  - Must handle litter, debris, chemicals and parts properly to minimize exposure to stormwater
  - Includes measures to reduce and remove sediment tracked offsite by vehicles or equipment
  - Includes dust control

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Housekeeping and Standard Operating Guidelines

Construction Permit: *Page 23; Appendix 1*

- Properly handle construction debris and waste materials
  - Provide appropriate containers
  - Pick up litter and debris regularly to reduce the chance of being carried off by wind and water
  - Take collected material to the appropriate facility for recycling or disposal
  - Liquid or soluble material (oil, fuel, paint, or other hazardous material) must be stored to prevent spills, leaks or other discharges
  - Restricted access to storage areas must be provided to prevent vandalism
  - Storage and disposal of hazardous waste must be in compliance with applicable regulations

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SWPP Plan – Operational Controls

Construction Permit: *Page 8; Part II.C.2*

- Preventative Maintenance

  Must ensure proper operation, inspection and maintenance of:
  - Stormwater control devices (e.g., oil-water separators, catch basins, silt fences)
  - Equipment used or stored on site

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SWPP Plan – Operational Controls

Construction Permit: *Page 8; Part II.C.2*

- Spill Prevention and Response Procedures
  - Must be developed where potential spills can occur. Where appropriate:
    - Specific handling procedures
    - Storage requirements
    - Spill containment and cleanup procedures
  - Bulk storage of petroleum products and other chemicals must have adequate leak and spill protection to prevent material from entering waters of the state, storm sewer systems or draining onto adjacent properties

31

SWPP Plan – Operational Controls

Construction Permit: *Page 8; Part II.C.2*

- Employee Training
  - Must inform personnel of their responsibility in implementing the practices and controls in the SWPPP (i.e., spill response, good house-keeping, sediment control practices)
  - NEW – Training must be provided
    - At least annually,
    - As new employees are hired, or
    - As necessary to ensure compliance with the SWPPP and permit

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SWPP Plan – Operational Controls

Construction Permit: *Page 8; Part II.C.2*
Page 23, Appendix 1

NEW

- Concrete wash water, grindings, and slurry shall not be discharged to waters of the state, storm sewer systems or allowed to drain onto adjacent properties
- Wash water disposal must be limited to a defined or designated area
- The area must be sufficient to contain the wash water and residual cement

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SWPP Plan – Operational Controls

Construction Permit: *Page 8-9; Part II.C.2*

NEW

- Dewatering or Basin Draining

  Must be managed with the appropriate BMPs so the discharge does not adversely affect the receiving water or downstream landowners

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SWPP Plan – Operational Controls

Construction Permit: *Page 8-9; Part II.C.2*

NEW

- Dewatering or Basin Draining
  - Limited to stormwater and groundwater that may collect on site and allowable non-stormwater discharges
  - Coverage under the dewatering permit, NDG07-0000, must be obtained to discharge water from other sources such as hydrostatic testing or contaminated groundwater or surface water

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SWPP Plan – Operational Controls

Construction Permit: *Page 8-9; Part II.C.2*

NEW

- Dewatering or Basin Draining
  - Must be operated to minimize the release of sediment and provide adequate BMPs where necessary to minimize erosion due to the discharge
  - Discharges must not lead to the deposition of sediment within stormwater conveyances or surface waters
  - Must not cause or potentially cause a visible plume within a surface water

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SWPP Plan – Operational Controls

Construction Permit: *Page 8-9; Part II.C.2*

NEW

- Dewatering or Basin Draining
  - Dewatering activities should be inspected daily
  - The inspection must include:
    - The dewatering site
    - Areas where BMPs are implemented
    - Discharge location
  - A record should be maintained to document the inspections and any corrective actions

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SWPP Plan – Operational Controls

Construction Permit: *Page 8-9; Part II.C.2*

NEW

- Dewatering or Basin Draining

  Local authorities may require specific BMPs for discharges affecting their storm sewer system.

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SWPP Plan – Erosion & Sediment Controls

Construction Permit: *Page 9; Part II.C.3*

- An erosion and sediment control (ESC) plan shall be developed to identify the appropriate control measures and when they will be implemented for each major phase of activity
- The ESC plan must conform to the guidelines in Appendix 1 of the permit

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SWPP Plan – Erosion & Sediment Controls

Construction Permit: *Page 9; Part II.C.3*

- The description and implementation of the ESC plan shall address:

  1) Sediment basins, or equivalent combination of sediment controls, are required for all down slope boundaries of disturbed areas and side slopes where appropriate.

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SWPP Plan – Erosion & Sediment Controls

Construction Permit: *Page 9; Part II.C.3*

- The description and implementation of the ESC plan shall address:

  2) Temporary erosion protection (cover crop, mulching) or permanent cover must be provided as outlined in Appendix 1 for exposed soils where activities have been completed or temporarily ceased.
  - Graded slopes, pond embankments, ditches, berms and soil stockpiles

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SWPP Plan – Erosion & Sediment Controls

Construction Permit: *Page 9; Part II.C.3*

- The description and implementation of the ESC plan shall address:

  3) All control measures must be properly selected, installed and maintained according to manufacturer's specs. and good engineering practices.

  If periodic inspections or other information indicates a control has not bee used inappropriately or incorrectly, you must replace or modify the control for the situation

  NEW You may deviate from manufacturer's specs. and ESC guidelines in Appendix 1 if you provide justification for the deviation and document the rationale for the deviation in the SWPPP.

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SWPP Plan – Erosion & Sediment Controls

Construction Permit: *Page 9; Part II.C.3*

- The description and implementation of the ESC plan shall address:

  4) If sediment escapes from the site, offsite accumulations of sediment must be removed in a manner and at a frequency to minimized offsite impacts.

  The ESC plan must be modified to prevent further deposition offsite.

43

SWPP Plan – Erosion & Sediment Controls

Construction Permit: *Page 9; Part II.C.3*

- The description and implementation of the ESC plan shall address:

  5) Stormwater controls are expected to withstand and function properly up to 2 year, 24 hour precipitation event.

  - Approximately 1.9 inches in western ND
  - Approximately 2.3 inches in eastern ND

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SWPP Plan – Erosion & Sediment Controls

Construction Permit: *Page 10; Part II.C.3*

- The description and implementation of the ESC plan shall address:

  6) For projects that discharge to a water body that has a TMDL allocation for sediment, suspended solids or turbidity, the plan must be consistent with the assumptions, allocations, and requirements of the approved TMDL.

  If a TMDL specifies certain BMPs or controls to meet a wasteload allocation (WLA) applicable to the project's discharges, then the BMPs or controls must be incorporated into the plan.

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Erosion & Sediment Control Guidelines

Construction Permit: *Page 21; Appendix 1*

- Temporary (or permanent) sediment basins, or equivalent controls, must be provided where ten or more acres of disturbed area drains to a common location prior to runoff leaving the site or entering surface waters.
- temporary sediment basins should be used where appropriate in areas with steep slopes or highly erodible soils, even if less than 10 acres is disturbed.

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Erosion & Sediment Control Guidelines

Construction Permit: *Page 21; Appendix 1*

- Sediment basins shall be sized to:
  1. Provide 3,600 c.f. of storage below the outlet pipe per acre drained to the basin
  2. Provide storage for runoff from a 2 year, 24 hour storm event and provide at least 1800 c.f. of storage for each acre that drains to the basin.

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Erosion & Sediment Control Guidelines

Construction Permit: *Page 21; Appendix 1*

- Sediment basins outlets:
  1. Must be designed to avoid short-circuiting and the discharge of floating debris.
  2. Must allow complete drawdown for maintenance activities.
  3. The drawdown device (perforated riser pipe, pumps, floating outlet) should be designed to release the storage volume within 24 hours or longer.
  4. Must have a stabilized emergency overflow.
  5. Must install energy dissipation device.

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Erosion & Sediment Control Guidelines

Construction Permit: *Page 21; Appendix 1*

- Where temporary sediment basins are not practical – site limitations, nature of disturbance – a combination of measures must be used to provide equivalent sediment control.
- You must consider public safety in order to determine whether installing a sediment basin is feasible. Other factors to consider are soil types, slope and availability of area.

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Erosion & Sediment Control Guidelines

Construction Permit: *Page 21; Appendix 1*

- Provide temporary erosion protection or permanent cover where activities have been completed or temporarily ceased.
- Protection or cover must be provided within 21 days of completing or ceasing earthmoving activities in areas with a continuous positive slope within 200 lineal feet of a surface water.
  - Includes pond embankments, ditches, berms and soil stockpiles
  - Excludes temporary soil stockpiles without significant silt, clay or organic components (aggregate stockpiles, demolition concrete stockpiles, sand stockpiles)

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Erosion & Sediment Control Guidelines

Construction Permit: *Page 21; Appendix 1*

- Temporary soil stockpiles must have effective sediment controls and cannot be placed in surface waters. This includes curb and gutter systems, stormwater conduits, and ditches.
- The normal wetter perimeter of any temporary or permanent ditch that drains water from the site, or diverts water around the site, must be stabilized at least 200 lineal feet from the property edge or point of discharge to a surface water. Stabilization measures should be completed within 24 hours of connecting to a surface water.

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Erosion & Sediment Control Guidelines

Construction Permit: *Page 21-22; Appendix 1*

- Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to a surface water.
- Splash pads and/or downspout extensions must be provided for roof drains to prevent erosion from roof runoff.
- For slopes that are 3:1 or steeper, there should be no unbroken slope length greater than 75 feet.
- Temporary or permanent drainage ditches and sediment basins that are part of a treatment system require sediment controls only as appropriate for site conditions.

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Erosion & Sediment Control Guidelines

Construction Permit: *Page 22; Appendix 1*

- All storm drain inlets in the immediate vicinity of the site must be protected until all disturbed areas that discharge to the inlet have been stabilized.
  - Includes inlets that may be affected by sediment tracked onto paved surfaces by vehicles or equipment.
- Inlet protection devices are a last line of control. Sediment and erosion controls must be used on site.

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Erosion & Sediment Control Guidelines

Construction Permit: *Page 22; Appendix 1*

- Inlet protection devices must conform to local ordinances or regulations.
- In general these devices need to provide adequate drainage to prevent excessive roadway flooding.
- They may be removed for a particular inlet if a specific concern has been identified and documented in the SWPPP (street flooding/freezing, snow removal).
- In these situations, additional ESC practices must be used to supplement the loss of the inlet protection.
- Maintenance and cleaning of inlet protection devices, including on-site ESCs, must be performed in a timely manner

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Erosion & Sediment Control Guidelines

Construction Permit: *Page 22; Appendix 1*

NEW

- Vegetated buffers must have a minimum width of 25 feet for every 125 feet of disturbed area which drains to the buffer.
- For each additional 5 feet of disturbance, 1 foot of buffer must be added.
- The width of a buffer shall have a slope less than 5%.
- The area draining to the buffer shall have a slope less than 6%.
- Concentrated flows should be minimized.

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Erosion & Sediment Control Guidelines

Construction Permit: *Page 22; Appendix 1*

NEW

- Vegetated buffers:
  - Must consist of dense grassy vegetation
  - Vegetation must be 3 to 12 inches tall
  - Vegetation must have a uniform coverage over 90% of the buffer
  - Woody vegetation shall not be counted towards the 90% coverage
  - No more than 10% of the overall buffer may consist of woody vegetation

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SWPP Plan – Stormwater Management

Construction Permit: *Page 10; Part II.C.4*

- The plan must identify permanent practices incorporated into the project to control pollutants in stormwater discharges occurring after construction operations have been completed.
  - Identify stormwater ponds, flow reduction devices, infiltration devices, etc.
  - Identify velocity/energy dissipation devices and appropriate protection for outfall channels and ditches
  - Maintenance for on-site management features is your responsibility until the notice of termination is submitted or the feature is accepted by the party responsible for long term maintenance
  - The design, installation and use of management features must comply with applicable local, state or federal requirements.

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SWPP Plan – Inspections

Construction Permit: *Page 10; Part II.C.6*

- You must ensure personnel conducting site inspections are familiar with the conditions of the permit and the proper installation and operation of control measures
- The ESC measures identified in the SWPPP shall be observed to ensure they are operating correctly and in serviceable condition

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SWPP Plan – Inspections

Construction Permit: *Page 10; Part II.C.6*

- In addition, discharge outlets from the following must be inspected:
  - Areas used for storage of materials
  - Permanent stormwater control measures
  - Vehicle maintenance areas
- Look for evidence of (or the potential for) pollutants entering a drainage system from these areas.
- If necessary, the plan shall be revised based on the observations and deficiencies noted during the inspection.

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SWPP Plan – Inspections

Construction Permit: *Page 11; Part III.A*

- You are required to perform an inspection once every 14 calendar days and within 24 hours of any storm event greater than 0.50 inches of rain per 24-hour period.
- You shall use a rain gauge near the site or utilize the nearest National Weather Service gauge station.
- Any gauge used must be within 5 miles of the site. NEW
- All inspections and maintenance activities must be recorded in writing.

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SWPP Plan – Inspections

Construction Permit: *Page 12; Part III.A*

- Records of each inspection and maintenance activity shall include:
  - The date and time of the inspection
  - Name of personnel conducting the inspection
  - Findings of the inspection, including recommendations for corrective actions
  - Corrective actions taken, if any, including dates, times and party completing maintenance activities
  - Date and amount of rainfall events greater than 0.50 inches within 24 hours
  - Documentation when the SWPPP has been amended

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SWPP Plan – Inspections

Construction Permit: *Page 12; Part III.A*

NEW

- Completed areas that have been stabilized but do not meet the 70% perennial vegetative cover criteria may be inspected once per month
- Inspections may be suspended for parts of the site that meet final stabilization
- Inspections may be suspended where earthwork has been suspended due to frozen ground conditions. Inspections must resume as soon as runoff occurs or the ground begins to thaw

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SWPP Plan – Inspections

Construction Permit: *Page 12; Part III.A*

- There may be times when an inspection cannot be conducted due to adverse climatic conditions (flooding, high winds, tornadoes, electrical storms, etc.). When this occurs you must record why the inspection could not be performed.
- An alternative inspection plan is allowable for long, narrow, linear construction projects such as a pipeline or utility line project, and similar project in remote areas where vehicle traffic is restricted or could compromise vegetation or stabilization measures.
- To request an alternative inspection plan, you must submit the SWPPP and proposed inspection plan the NDDoH 30 days prior to implementing the plan.

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SWPP Plan – Inspections

Construction Permit: *Page 12; Part III.A*

NEW

- Some ESC measures may require more frequent inspections based on location (e.g., sensitive areas or waters of the state) or as a result of recurring maintenance issues
- ESC measures found in need of maintenance between inspections must be repaired or supplemented with appropriate measures as soon as practicable.

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SWPP Plan – Maintenance

Construction Permit: *Page 10; Part II.C.5*

- All ESC measures and other protective measures must be maintained in effective operating condition.
- The SWPPP must indicate the maintenance or clean out interval for sediment controls.
- NEW If site inspections identify BMPs that are not operating effectively, maintenance shall be arranged and accomplished as soon as practicable.

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Maintenance Considerations

Construction Permit: *Page 22; Appendix 1*

- All BMPs must be inspected to ensure integrity and effectiveness
- All nonfunctional BMPs must be repaired, replaced or supplemented with functional BMPs
- All control devices similar to silt fence or fiber rolls must be repaired, replaced…when sediment reaches 1/3 the height of the device. Repairs must be made within 24 hours of discovery or as soon as conditions allow
- Sediment basins must be drained and the sediment removed when the depth of sediment collected reaches 1/2 the storage volume. Must be completed within 72 hours of discovery or as soon as conditions allow

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Maintenance Considerations

Construction Permit: *Page 22; Appendix 1*

- Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of sediment being deposited by erosion
- You must remove all deltas and sediment deposits, and restabilize the removal area
- Removal and stabilization must be conducted immediately, but no more than 7 days after discovery unless precluded by legal, regulatory or physical access constraints. You shall use all reasonable efforts to obtain access

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Maintenance Considerations

Construction Permit: *Page 22; Appendix 1*

- If precluded, removal and stabilization must be conducted immediately, but no more than 7 days after obtaining access
- You are responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits prior to conducting any work.

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Maintenance Considerations

Construction Permit: *Page 23; Appendix 1*

NEW

- Site egresses must be inspected for evidence of sediment being tracked offsite onto paved surfaces.
- Tracked and deposited sediment must be removed within 24 hour or within a shorter time period if specified by a local authority or the NDDoH
- Vehicle tracking must be minimized by BMPs
- You are responsible for (or making arrangements for) street sweeping and/or scraping if BMPs are not adequate to prevent tracked sediment

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Maintenance Considerations

Construction Permit: *Page 23; Appendix 1*

NEW

- If sediment escapes the site, offsite accumulations must be removed in a manner and at a frequency sufficient to minimize offsite impacts
  - Fugitive sediment in streets could be washed into the storm sewer system by the next rain event and/or pose a public safety hazard
- Vegetative buffers must be inspected for proper distribution of flows, sediment accumulation and signs of rill formation.
- If a buffer becomes silt covered or is rendered ineffective, other control measures must be implemented. Eroded areas shall be repaired and stabilized.

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Records Location

Construction Permit: *Page 12; Part III.B*

NEW

- The following must be kept at the construction site:
  - A copy of the completed and signed NOI
  - The coverage letter from the NDDoH
  - SWPPP
  - Site inspection Records
  - The construction general permit, NDR10-0000
- Must be kept in a field office, trailer, shed, or vehicle that is on-site during normal working hours
- If a reasonable on-site location is not available, then the documents must retained at a readily available alternative location; preferable with the individual responsible for overseeing the implementation of the SWPPP
- If the site is inactive, then documents may be stored at a local office

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Termination of Coverage

Construction Permit: *Page 5; Part I.E*

- Permittees wishing to terminate coverage must submit a notice of termination (NOT) or other written request identifying the factiliy and reason why the permit in no longer needed
- Compliance with the permit is required until a NOT is submitted and accepted by the NDDoH

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Termination of Coverage

Construction Permit: *Page 6; Part I.E*

- A NOT may be submitted when one of the following has been meet:

  1) Final stabilization has been achieved on all portions of the site for which you are responsible

  2) Another operator/permittee has assumed control over all areas of the site that have not achieved final stabilization

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Termination of Coverage

Construction Permit: *Page 6; Part I.E*

- A NOT may be submitted when one of the following has been meet:

  3) For residential construction only, a NOT is not required for each lot that is sold or has achieved final stabilization. Instead the permittee may modify their SWPPP to exclude the lot. The SWPPP should indicate why coverage is no longer needed and the date it was achieved.

  In order to terminate coverage, all lots must:

  a) Be sold to homeowners for private residential use with temporary erosion protection and down gradient perimeter controls installed, and a "homeowner fact sheet" must be given to the homeowner(s); or

  b) Achieve final stabilization

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Definintion

Construction Permit: *Page 18; Part V*

Final stabilization:

1. All soil disturbing activities have been completed and a uniform vegetative cover with a density of 70% of the native cover for unpaved areas and areas not covered by permanent structures or equivalent permanent stabilization measures (riprap, gabions, or geotextiles) has been achieved.

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Definintion

Construction Permit: *Page 18; Part V*

Final stabilization:

2. For areas with an average annual rainfall of less than 20 inches only, all soil disturbing activities at the site have been completed and temporary erosion control measures (e.g., degradable rolled erosion control product) are selected designed, installed along with an appropriate seed base to provide erosion control for at least three years and achieve 70% vegetative coverage within three years without active maintenance.

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Definintion

Construction Permit: *Page 18; Part V*

Final stabilization:

3. For soil disturbing activities on land used for agricultural purposes, final stabilization may be accomplished by returning the disturbed land to its pre-disturbance agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to waters of the state, and areas which are not being returned to their pre-disturbance agricultural use must meet the final stabilization criteria in (1) or (2) above.

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Final Stabilization

Construction Permit: *Page 11; Part II.E*

1. All soil disturbing activities have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of 70% over the entire pervious surface area, or other equivalent means necessary to prevent soil failure and:
   a. All drainage ditches that drain water from the site have been stabilized to preclude erosion;
   b. All temporary synthetic, and structural ESC devices (such as silt fence) have been removed; and
   c. All sediment has been removed from conveyances and temporary sediment basins used as permanent water quality management basins. Removed sediment must be stabilized to prevent it eroding again.
2. For residential construction only, temporary erosion protection and down gradient perimeter controls have been installed and the residence has been transferred to the homeowner. In addition, a "homeowner fact sheet" has been distributed to the homeowner. You must also demonstrate that the homeowner received the fact sheet.

NEW

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Transfer of Ownership or Control

Construction Permit: *Page 6; Part II.F*

- When the owner or operator changes, the new owner or operator must submit a transfer/modification request within 14 days. The new party may implement the original SWPPP or develop their own.
- Permittees shall ensure that their SWPPP meets all terms and conditions of the permit and their activities do not interfere with another party's ESC practices.
- NEW Transfer/modification is not required for the legal transfer, sale or closing on property between permittees covered by this permit
  - Sale of a property parcel from a developer to a builder
  - Transfer of an easement from a developer to a local government authority

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Standard Conditions

Construction Permit: *Page 13-17; Part IV*

COMPLIANCE RESPONSIBILITIES

1. Duty to Comply
2. Operation and Maintenance
3. Planned Changes
4. Duty to Provide Information
5. Records Retention: All records must be retained for at least three years

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Standard Conditions

Construction Permit: *Page 13-17; Part IV*

6. Signatory Requirements: All applications, reports or information submitted to the NDDoH shall be signed and certified.
   a. All permit applications shall be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.
   b. All reports required by the permit and other information requested by the NDDoH shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
      1) The authorization is made in writing by a person described above and submitted to the NDDoH; and
      2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position have overall responsibility for environmental matters.

   Must certify that all information is true, accurate and complete.

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Standard Conditions

Construction Permit: *Page 13-17; Part IV*

7. Noncompliance Notification
8. Bypass of Treatment Facilities
9. Upset Conditions
10. Duty to Mitigate
11. Removed Materials
12. Duty to Reapply

GENERAL REQUIREMENTS

1. Right of Entry
2. Availablity of Reports

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Standard Conditions

Construction Permit: *Page 13-17; Part IV*

3. Transfers
4. New Limitations and Prohibitions
5. Permit Actions
6. Need to Halt or Reduce
7. State Laws
8. Oil and Hazardous Substance Liability
9. Property Rights
10. Severability
11. General Permits

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Temporary Dewatering Permit (NDG-070000)

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Temporary Dewatering Permit

- Permit # NDG-070000
- Issued April 1, 2010
- Expiration March 31, 2015
- Hydrostatic testing included!

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Temporary Dewatering Permit

- What is considered temporary dewatering?
  - Pipeline or vessel hydrostatic testing.
  - Groundwater dewatering.
  - Excavation de-watering in conjunction with construction activities.

Most dewatering at construction sites may be covered under the construction permit.

- stormwater
- groundwater
- surface water

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Temporary Dewatering Permit

- Types of dewatering discharges are listed categorically
- There are different effluent limitations based on the category

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Temporary De-watering Permit

-How to apply for a permit?

Submit a NOI-Short Form C
•30-days prior to start of discharge

•What is required under the permit?
-Visual inspections
-Take water samples and submit the results to the Health Department

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Questions?

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NORTH DAKOTA
DEPARTMENT of HEALTH

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